

REMARKS

All previously pending claims 1-10 have been canceled herewith without prejudice. New claims 11-19 have been added herewith, which newly added claims seek to particularly point out and distinctly claim the subject matter which applicants regard as their invention. Moreover, the newly added claims find adequate support from the specification of the application, as filed. Accordingly, applicants respectfully submit that (i) no new matter has been introduced, and (ii) the Examiner's claim rejections based on Section 112, second paragraph, have been overcome and should be withdrawn.

Applicants would also like to thank Examiner Oh for the courtesy he extended to applicants' counsel during a personal interview on August 30, 2005. During that interview, applicants' counsel discussed the contents of a poster presentation, which showed some of the physical and spectral properties of the isolated orthorhombic crystalline substance that is prepared by the claimed method. Also discussed were the corresponding physical and spectral properties of tablets prepared from the isolated orthorhombic crystalline substance, which showed that the orthorhombic crystalline nature of the substance is preserved during the tablet manufacturing process. Thus, applicants respectfully assert that the benefits of greater solubility (e.g., greater bioavailability) of the orthorhombic crystalline form carry over to the finished product, in the present case, tablets and capsules. A copy of this poster presentation was submitted as an Appendix to a Rule 132 Declaration by Dr. Kenneth W. Locke, an unexecuted version of which was transmitted by telefacsimile to Examiner Oh on September 20, 2005. (The executed version of the Rule 132 Declaration only was transmitted by telefacsimile to Examiner Oh later that same day.) Accordingly, claims directed to methods of recrystallization and manufacture of a tablet or capsule are presented herein for the Examiner's consideration.

CONCLUSION

Claims 11-19 are pending in the application. Applicants' respectfully submit that the pending claims recite subject matter that is patentable and meets statutory requirements. A notice of allowance is cordially solicited.

AUTHORIZATION

Applicants believe there are no fees in addition to the extra claims fees due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any additional fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,
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